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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/601,712	09/27/2000	Kenneth Austin	ROY-007	9535

2387 7590 11/24/2009

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EXAMINER	
DANG, HUNG Q	

ART UNIT	PAPER NUMBER
2621	

MAIL DATE	DELIVERY MODE
11/24/2009	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.	Applicant(s)	
	09/601,712	AUSTIN, KENNETH	
	Examiner	Art Unit	
	Hung Q. Dang	2621	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE *3* MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *30 October 2009*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1,4-32 and 36-42* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1,4-32 and 36-42* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☒ All b)☐ Some * c)☐ None of:

1.☒ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☐ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 10/30/2009 has been entered.

Response to Arguments

Applicant's arguments filed 08/24/2009 have been fully considered but they are not persuasive.

On page 9, Applicant argues that none of the references discloses the feature of "said control module being connected to said video media storage device through said video output terminal."

In response, Examiner respectfully disagrees. First of all, Takahashi discloses a scene information editor to capture or receive, from a video output terminal from a video media storage device, image data for comparing stored frame numbers (corresponding to recited content-related values) in a scene change information file with those in the captured image data to extract scene information to be stored in a scene information file in Fig. 8 and in column 12, lines 39-49.

Similarly, Yuen discloses the control module being connected to the video media storage device (VCR) through an output terminal *(Fig. 1; [0170])* to receive only caption information, which is also content-related values, corresponding to each index.

One of ordinary skill in the art would recognize that if incorporating the teachings of Takahashi into Yuen by receiving image data from the storage device through said output, the system in Yuen can have the capability of the scene information editor that allows for program indexing using representative frame images. This would serve at least two purposes: facilitating editing of the data and enhancing the user interface of displaying the index table.

The rejections therefore stand as presented in details below.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

Claims 1, 4-32, and 40-42 are rejected under 35 U.S.C. 103(a) as being unpatentable over Yuen et al. (US 2003/0194200 A1 – hereinafter Yuen) and Takahashi et al. (US Patent 5,537,528 – hereinafter Takahashi).

Regarding claim 1, Yuen discloses a video storage media control system *(Fig. 1)* comprising a control module operable to control a video media storage device with a video output terminal *(microprocessor controller 31 and VCR control logic 21 of Fig. 1; [0162])*, said control module being connected to said video media storage device

through an output terminal *(Fig. 1; [0170])*; a position determining module for determining video media position *([0021]; [0028]; and [0245], which define a directory, and the marker is formed on the tape to uniquely identify the position of a current directory; [0747]-[0750], wherein Yuen discloses details of the operations of Fig. I&81 to show the.analyzing function; [0341], [0344], [0397], [0647], wherein Yuen discloses where controller 31 uses a date-time stamp as the title in a directory, and timestamps are used to assign content-related value to the contents indicative of the position of the contents on the tape)*; an identifying module for identifying contents of the video media and analyzing the contents so as to assign a content-related value to the video contents, the content-related value being indicative of the position of the video contents on the media *([0021]; [0028]; [0245]; [0257]; [0259]; [0260])*; the determining module and the identifying module being based on signals present on the video output terminal and the video media position being determined by establishing a match or relationship using the content-related value *([0257]; [0259]; [0260])*.

However, Yuen does not disclose said control module being connected to said video media storage device through said video output terminal, an identifying module for identifying the displayable video contents of portions of the video media and analyzing the video contents so as to assign a content-related value representative of the displayable video contents, the content-related value being indicative of the position of the video contents on the media, wherein the control module controls the video storage media device by comparing signals on the video output terminal with the content-related value and matching the video output terminal signal with the content-related value.

Takahashi discloses a video storage media control system *(Fig. 8)* comprising a control module operable to control a video media storage device with a video output terminal *(Fig. 8; column 12, lines 39-44)*; said control module being connected to said video media storage device through said video output terminal *(Fig. 8; column 12, lines 39-44)*; an identifying module for identifying displayable video contents of portions of the video media and analyzing the video contents so as to assign a content-related value representative of the displayable video contents *(column 5, line 54 – column 6, line 12; column 7, lines 45-55; column 10, lines 39-40)*, the content-related value being indicative of the position of the video contents on the media *(column 5, line 54 – column 6, line 12; column 7, lines 45-55; column 10, lines 39-40)*, wherein the control module controls the video storage media device by comparing signals on the video output terminal with the content-related value and matching the video output terminal signal with the content-related value *(column 12, lines 39-49)*.

One of ordinary skill in the art at the time the invention was made would have been motivated to incorporate the identifying module for identifying and analyzing the video contents and controlling the video storage media device based on comparison of signals disclosed by Takahashi et al. into the video storage media control system disclosed by Yuen et al. in order to facilitate the editing process *(Takahashi, column 4, lines 33-47; also see "Response to Arguments" above)* and to enhance user interface of the system by using representative still images as indices to program contents.

Regarding claim 4, Yuen also discloses a position locating module for automatically controlling the video media storage device transport functions to locate a desired position on the video media storage devices *([0207])*.

Regarding claim 5, Yuen also discloses the claimed that the video media storage device is a tape storage device *([0207])*.

Regarding claim 6, Yuen also discloses wherein the determining module is based on signals or data received from a tape reading means *([0255]; [0257])*.

Regarding claim 7, Yuen also discloses the claimed that control is instigated using an infrared control signal *([0248])*.

Regarding claim 8, Yuen also discloses an encoding module for encoding the data to be recorded on the tape at prescribed intervals *([0255]; [0257])*.

Regarding claim 9, Yuen also discloses the claimed that the data comprises one or more of time code, frame number, total frames and session name *([0202])*.

Regarding claim 10, Yuen also discloses the claimed wherein the data is recorded in selected vertical blanking intervals *([0255]; [0257])*.

Regarding claim 11, Yuen also discloses the claimed that the tape is automatically repositioned to a selected desired position utilizing characterization data determined for the tape storage device *([0207])*.

Regarding claim 12, Yuen also discloses the claimed reading onto the tape an index of material recorded on the tape which provide readable information identifying the nature of the recorded material and its position on the tape *([0255]; [0257])*.

Regarding claim 13, Yuen also disclose the claimed that multiple file indexes are recorded on the tape, one after each recording session *([0259]; [0264])*.

Regarding claim 14, Yuen also disclose the claimed that the successive file indexes are cumulative *([0259]; [0264])*.

Regarding claim 15, Yuen also discloses the claimed memory module external to the tape for holding the content of at least one file index *(RAM 33 disclosed in [0176])*.

Regarding claim 16, Yuen also discloses wherein signals received from a reading module are the video output signals of a video recorder which represent contents of the video media, be it the visible content, audio content or closed caption data or other signals recorded on the video media, and any of said contents are used to generate a data sequence or data value from which tape position is determined by comparing said data sequence or data value with data sequences or a data value stored in memory *([0207]; [0259]; [0264])*.

Regarding claim 17, Yuen also discloses the claimed that the data sequence or data value for a plurality of video media are stored in memory *(RAM 33 disclosed in [0176])*.

Regarding claim 18, Yuen also discloses the claimed that at least some &the data sequences of the data value stored in memory have appended thereto data which facilitates reproduction of the image of at least one frame of the sequence *(RAM 33 disclosed in [0176]. Please note that [0176] describes the memory structure of the RAM 33, which, for example, includes [0178]. In [0178], Yuen et al. disclose area 1010 which*

stores a CDTL pointer 1019 pointing to a CDTL buffer 1024 which stores channel-date-time-length (CDTL) data of future recordings. The CDTL data facilitates reproduction of the programs or sequences, which sequences or programs are stored in tape 42).

Regarding claim 19, Yuen also discloses the claimed that the memory contains stored images of a plurality of frames taken at intervals along the video media *(RAM 33 disclosed in [0176])*.

Regarding claim 20, Yuen also discloses a command sending module for sending commands to the control module to instigate positioning of the video media at a desired position, and wherein the desired position is arrived at automatically by reading the video media to obtain position information by establishing a match or relationship between a data sequence or data value generated from contents of the media with data sequences or data vale stored in the memory for one or more video media, which data sequences or a data value incorporate related information and changing the position of the video media until the desired position has been obtained *([0207]; RAM 33 disclosed in [0176]*).

Regarding claim 21, Yuen also discloses a command sending module for sending commands to the control module to instigate positioning of the video media at a desired position, which position is selected from an on screen display, which display comprises one or more screen images of the contents of the video media and wherein the desired position is arrived at automatically by reading the video media to obtain position information, directly or indirectly, and changing the position of the video media

until the desired position has been obtained *([0207]; RAM 33 disclosed in [0176]; [0523]; [0524])*.

Regarding claim 22, Yuen also discloses the contents are stored in electronic memory or on video storage media, be it magnetic or optical, the index comprising a plurality of images corresponding to each of the contents of the video storage medium at different positions thereof and wherein the index is adapted to be read and displayed on a television screen, enabling the selection of one or more of a plurality of scenes of the recorded content *([0207]; RAM 33 disclosed in [0176]; [0523]; [0524])*.

Regarding claim 23, Yuen also discloses selection of the material to be recorded is selected from an electronic programming guide *([0423]; [0424])*.

Regarding claim 24, Yuen also discloses the contents of the video media are stored in memory in the form of one or more images taken at intervals and images which are available for display on screen *([0207]; RAM 33 disclosed in [0176]; [0523]; [0524])*.

Regarding claim 25, Yuen also discloses each image has an associated sequence of images stored in memory which can be reviewed by a user command *([0207]; RAM 33 disclosed in [0176]; [0523]; [0524])*.

Regarding claim 26, Yuen also discloses the images comprise a sample of the contents of the video media at periodic intervals of the video medium *([0207]; RAM 33 disclosed in [0176]; [0523]; [0524]; [0255]; [0257])*.

Regarding claim 27, Yuen also discloses the contents of the memory tape include audio signals *([0163])*.

Regarding claim 28, Yuen also discloses the selection provisions allow a user to playback the video starting from the position of any one of the display images *([0207]; RAM 33 disclosed in [0176]; [0523]; [0524])*.

Regarding claim 29, Yuen also discloses the selection provisions allow the user to mark the displayed images for recording over *([0427]; [0428])*.

Regarding claim 30, Yuen also discloses (1) issuing the necessary commands to the video storage media device to enable it to play the associated media, *([0207]; RAM 33 disclosed in [0176], [0427]; [0428]; [0523]; [0524]; [0539]; [0540]; [0541])* (2) reading the video media to determine the content and/or position thereof, *([0207]; RAM 33 disclosed in [0176], [0427]; [0428]; [0523]; [0524]; [0539]; [0540]; [0541])* (3) using content and/or position related information to determine if sufficient room is available for recording the selections, *([0207]; RAM 33 disclosed in [0176], [0427]; [0428]; [0523]; [0524]; [0539]; [0540]; [0541])* (4) using the necessary commands to cause said video storage media device to record material based on said selections at a designated position of the media based on calculations of the free space or space marked for overwriting and wherein the contents and/or position of the video media are determined from signals present on the video output terminal *([0207]; RAM 33 disclosed in [0176], [0427]; [0428]; [0523]; [0524]; [0539]; [0540]; [0541])*.

Regarding claim 31, Yuen also discloses the contents and/or position related information is determined by reading data recorded on the tape *([0207]; RAM 33 disclosed in [0176], [0523]; [0524])*.

Regarding claim 32, Yuen also discloses the contents and/or position related information is determined by comparing or verifying a relationship between a sequence of data signals or a data value generated by reading the contents of the tape with a pre-stored sequence of data signals or data value *([0207]; RAM 33 disclosed in [0176]; [0523]; [0524])*.

Regarding claim 40, Yuen also discloses a graphical user interface adapted to display information relating to television program content and/or data content from other sources such as the Internet and video recorder or other media device content, wherein selections are made from said television program content and/or data content from other sources for recording onto video tape or other media whereby calculation of available free space on said video tape or other media is displayed and whereby if insufficient space is available for recording original selections may be modified and/or some or all of the video tape or other media contents may be selected for overwriting *([0207]; RAM 33 disclosed in [0176]; [0427]; [0428]; [0523]; [0524]; [0539]; [0540]; [0541])*.

Regarding claim 41, Yuen also discloses the graphical user interface is adapted to display the status of items recorded on video tape or other media as to whether the recorded item has been viewed *([0207]; RAM 33 disclosed in [0176]; [0427]; [0428]; [0523]; [0524]; [0539]; [0540]; [0541])*.

Regarding claim 42, Yuen also discloses the graphical user interface is adapted to display information relating to one or more video tapes or other media contents, wherein the contents of said video tape or other media is displayed either graphically or

texturally according to the category of the recorded material, said category could be the type of recorded material or whether the item is suitable for a particular age of viewer or whether the items have been viewed or any other criteria *([0207]; RAM 33 disclosed in [0176]; [0427]; [0428]; [0523]; [0524]; [0539]; [0540]; [0541]; [0622]; [0623])*.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Hung Q. Dang whose telephone number is (571)270-1116. The examiner can normally be reached on IFT.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, THAI Q. TRAN can be reached on 571-272-7382. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Hung Q Dang/
Examiner, Art Unit 2621

/Thai Tran/
Supervisory Patent Examiner, Art Unit 2621